



Order Filed on September 7, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

MCC4795
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ATTORNEYS FOR DEBTOR

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE:

Chapter 13

Mark Dolak

Case No.: 13-14021 (MBK)

ORDER APPROVING POST-PETITION FINANCING

The relief set forth on the following pages, numbered two (2) through four (4) is hereby ORDERED.

DATED: September 7, 2017


Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtor(s): Mark Dolak

Case No.: **13-14021 (MBK)**

Caption of Order: **Order Approving Post-Petition Financing**

THIS MATTER having come before the Court on the debtor's Motion to Approve Post-Petition Financing, and the Court having considered the debtor's motion and any opposition thereto, and good and sufficient cause appearing there from for the entry of this order, it is hereby

ORDERED that the debtor(s) be and hereby are allowed to modify the mortgage on real property located at 500 Deal Lake Drive, Unit 2A, Asbury Park, New Jersey pursuant to the terms outlined in the debtor's certification in support of the refinancing motion; and it is further

ORDERED that from the funds received in connection with the loan modification, all liens on the property shall be paid in full, at closing; and it is further

ORDERED that debtor(s) are authorized to pay the usual and necessary costs and expenses of settlement; and it is further

ORDERED that the debtor shall:

___ Satisfy all Plan obligation from financing proceeds

X Continue to make payments under the Plan as proposed or confirmed

___ Modify the Plan as follows:

ORDERED that debtor's counsel shall be allowed a legal fee of \$_____ for representation in connection with this motion, which is to be paid (choose one):

___ at closing ___ through the plan ___ outside the plan;

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Debtor(s): Mark Dolak

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and it is further

ORDERED that, if applicable, the chapter 13 trustee shall be provided with a copy of the HUD-1 settlement statement within seven (7) days of the closing of the refinance; and it is further

ORDERED that Fed. R. Bankr. P. 6004(h), which provides for a 14 day stay of this order,

___ is applicable X is not applicable

ORDERED that the following other provisions apply:

1. In the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, Secured Creditor shall amend the arrearage portion of its Proof of Claim to zero or withdraw the claim within thirty (30) days of completion of the loan modification.
2. The Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of loan modification and all money that would otherwise be paid to secured creditor, be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by the secured creditor that the modification was not consummated.
3. In the event the modification is not consummated, the secured creditor shall notify the Trustee and debtor's attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to secured creditor.
4. In the event the Proof of Claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order to other

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Debtor(s): Mark Dolak

Case No.: **13-14021 (MBK)**

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- creditors in accordance with the provisions of the confirmed plan.
5. Debtors shall file an amended Schedule J and Modified Plan within twenty (20) days of this Order.
 6. With respect to any post-petition orders, claims for post-petition mortgage arrears, and orders for creditor's attorney's fee which are being capitalized into the loan, secured creditor will amend any and all post-petition orders or claims within 30 days after completion of the loan modification.

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
Mark J Dolak
Debtor

Case No. 13-14021-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Sep 07, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 09, 2017.

db +Mark J Dolak, 500 Deal Lake Drive, Unit 2A, Asbury Park, NJ 07712-5159

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 09, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 7, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com
Andrew M. Lubin on behalf of Creditor Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-85CB, Mortgage Pass-Through Certificates Series 2005-85CB bkecf@milsteadlaw.com, alubin@milsteadlaw.com
Denise E. Carlon on behalf of Creditor BANK OF AMERICA, N.A. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
E. Carlton Kromer on behalf of Creditor Lake Drive Court Condominium Association ckromer@kromerlaw.com
Frank J. Martone on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-85CB, MORTGAGE PASS - THROUGH CERTIFICATES, SERIES 2005-85CB. bky@martonelaw.com
Frank J. Martone on behalf of Creditor BANK OF AMERICA, N.A. bky@martonelaw.com
Joshua I. Goldman on behalf of Creditor BANK OF AMERICA, N.A. jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Marc C. Capone on behalf of Debtor Mark J Dolak mcapone@caponeandkeefe.com, docs@caponeandkeefe.com

TOTAL: 9